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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,361	06/29/2000	James L. Jason JR.	042390.P8770	7341

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08/23/2005

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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT PAPER NUMBER

2137

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/605,361

Applicant(s)

JASON ET AL.

Examiner

Minh Dieu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 1-12, 14, 15, 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13, 16 and 19-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is in response to the RCE dated December 06, 2004 with the amendments to claims 13, 16, 22, 24 and 27 and the cancellation of claims 14-15 and 17-18.

Claims 13, 16 and 19-28 are pending.

### ***Response to Arguments***

2. The applicant's amendment filed on October 12, 2004 has been fully considered but they are not persuasive.

Applicant argues that:

With regards to claims 13, 16, 22, 24 and 27, Engel does not teach " a network interceptor to couple the client processor with the transmission control protocol wherein the network interceptor responds to the socket being closed by determining whether any other socket is correlated with the security association, and if it is determined that no other socket is correlated with the security association, deleting the security association".

Examiner maintains that:

Engel discloses upon the trigger event "disconnect socket" occurs, a connection i.e. socket is disconnected, disconnect socket trigger disassociates the socket from any rule set (col. 12, lines 5-9). There is always only one association between a socket and a rule (col. 14, lines 53-55), when disconnect socket is triggered, it determines that no

other socket is connected, i.e. socket is closed and is disassociated with the security association (Fig. 3, elements 320a-f), thereby deleting the security association.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 13, 16, 19-28** are rejected under 35 U.S.C. 102(e) as being anticipated by Engel et al, US Patent 6,519,636.

a) **As to claims 13 and 27**, Engel discloses a networking system comprising a plurality of computers that are connected to one or more networks, one computer would be the source originating the transmission of information and one or more of the computers would be the destination computer that would receive the information (Figure 1). Engel also discloses a system and method to control encryption, authentication and message integrity of packets sent to and received from the network based on an efficient lookup/association of the security features and the packets. The system comprises transmitting data to clients using a variety of transport protocols, e.g., Transmission Control Protocol (col. 6, lines 65-67), a security classifier for coupling the transmission control protocol to the network and the security classifier determining a

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security classification for the client application (Figure 3 and col. 8, lines 20-26), a security association negotiator responsive to the client application opening a socket at a node of the communication network, for correlating the socket with a security association based on the determined security classification (col. 10, lines 22-25), and a network interceptor to couple the client application with the transmission control protocol (col. 11, lines 65-67), wherein the network interceptor responds to the socket being closed by determining whether any other socket is correlated with the security association (Fig. 3, elements 320a-f), and if it is determined that no other socket is correlated with the security association, to delete the security association (col. 12, lines 5-9).

b) **As to claims 16, 22 and 24**, Engel discloses a communication system identifies and controls packets sent to and received from a networking environment over the socket(s) (Abstract). The system comprises a client and server (Figure 2, elements 160D and 170), communicated via a network medium (Figure 2, element 130) using socket (col. 5, lines 45-50), which reads on a local application and a remote application, wherein the local application utilizing a socket.

The method of transmitting and receiving data comprises monitoring a completion status of the communication (Fig. 4, elements 443-449), upon completion of the communication, closing the socket (Fig. 4, element 444), in response to the closing of the socket (col. 11, lines 65-67) determining whether any other socket is correlated with the security association (Fig. 3, elements 320a-f), and if it is determined that no

other socket is correlated with the security association, to delete the security association (col. 12, lines 5-9).

c) **As to claims 19, 23 and 26**, Engel discloses the method wherein the application operates through a driver and the correlation of the security association with the socket includes notifying the driver that the security association is no longer needed to cause the driver to terminate the correlation (Figure 3, col. 11, lines 15-27, Figure 5C).

d) **As to claims 20, 21 and 28**, Engel discloses the communication system wherein the network interceptor monitors all sockets protected by the security association (Fig. 3; Fig. 4, elements 460 and 700) and monitors when the socket is closed (Fig. 4, element 444).

e) **As to claim 25**, Engel discloses the step of determining whether there is an active security association that would cover traffic for the socket, if there is an active security association that would cover traffic for the socket, then correlating the socket with the active security association (col. 10, lines 17-25); if there is not an active security association that would cover traffic for the socket, then determining a security association for traffic for the socket, giving the determined security association to a network security driver, receiving a handle for the security association from the network security driver and correlating the socket with the security association of the handle (col. 10, lines 30-32; Figure 4 and 5).

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**Conclusion**

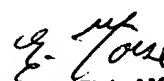
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen  
Examiner  
Art Unit 2137

mdn  
8/10/05

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER